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Before the  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

1998 Biennial Regulatory Review --  
47 C.F.R. Part 90 - Private Land Mobile  
Radio Services

Replacement of Part 90 by Part 88 to Revise  
the Private Land Mobile Radio Services and  
Modify the Policies Governing Them  
and  
Examination of Exclusivity and Frequency  
Assignment Policies of the Private Land

Mobile Services

To: The Commission

WT Docket No. 98-182  
RM-9222  
PR Docket No. 92-235

**COMMENTS  
OF  
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION, INC.**

The Personal Communications Industry Association, Inc. ("PCIA"), through counsel and pursuant to Section 1.405 of the Commission's Rules, 47 C.F.R. §1.405, hereby respectfully submits its Comments in response to the Further Notice of Proposed Rule Making ("FNPRM") in the above-captioned proceeding.

In this proceeding, the Commission has made a variety of rule changes to Part 90, and considered whether and under what circumstances to implement auctions for private services. In the FNPRM, the Commission has requested comment on three additional proposals: (1) an eligibility change for school and park districts; (2) a rule clarification relating to highway maintenance frequencies; and (3) a rule change regarding the so-called "cargo" channels. PCIA is pleased to

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submit comments on two of these three issues.

### **I. Section 90.20 - School And Park District Eligibility**

The Commission has proposed to eliminate the restriction contained in Section 90.20 of the Commission's Rules which bars School and Park Districts from being eligible for Public Safety Pool frequencies. In doing so, the Commission would make similar changes to Section 90.242, eliminating School District eligibility in the Business/Industrial Pool. Although the Commission does not state its specific impetus for this proposal, the Commission believes that with the recent reallocation of 24 megahertz of spectrum to the public safety services,<sup>1</sup> the consolidation of the public safety radio services into one Public Safety Pool, and the technical advances that have occurred since 1960, there are now sufficient frequencies available in the Public Safety Pool to accommodate school and park districts.

PCIA does not object to the expansion of Public Safety eligibility to include School and Park Districts, and PCIA agrees with the Commission that there is sufficient unused Public Safety spectrum to support the additional users. However, PCIA objects to the elimination of School District eligibility for Business/Industrial Pool frequencies. PCIA's experience has been that some public safety coordinators have been historically reluctant to assign spectrum to school districts. The Business/Industrial Radio Service represents an outlet which School Districts have relied upon for their spectrum needs and should be able to continue to do so. PCIA believes that dual eligibility should not be problematic as the Business/Industrial Pool eligibility was not a problem in the past.

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<sup>1</sup> See Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, *Report and Order*, 12 FCC Rcd 22,953 (1998).

## **II. Allocation Of “Cargo” Channels For Emergency Road Service**

The American Automobile Association (“AAA”) has requested that the Commission raise the ERP limitation on eight (8) of the thirty (30) dockside usage channels and pair these eight (8) frequencies with eight (8) Automobile Emergency frequencies in order to permit repeater operation. In addition, AAA requests that it be designated the sole frequency coordinator for these frequencies.

PCIA opposes this request on two grounds. First, the proposal is contrary to the intention of the FCC in the “Refarming” proceeding, wherein the Commission sought to consolidate radio services, not create new exclusive use channels. Second, the issue of a “carve-out” for a specific service for frequencies which had heretofore been shared is presently being considered by the Commission in the “Refarming” proceeding as a result of the “stay” ordered by the FCC as part of the Fourth Report & Order in that proceeding.

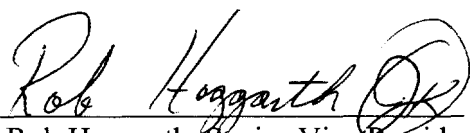
Finally, the impact of raising the ERP limitation on these frequencies will be devastating to existing low power users on these frequencies. For years, the Commission has been granting low power licenses on these frequencies, often for users with no specific operating location. Since these frequencies were not part of the frequencies designated for high power use in the Refarming proceeding, users have not anticipated having to migrate from these channels in favor of high power users. Since many frequencies in the band previously allocated for low power use are now available for high power use, PCIA thinks that it is inappropriate to further limit low power availabilities.

### **III. Conclusion**

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in accordance with the views expressed herein.

Respectfully submitted,

PERSONAL COMMUNICATIONS  
INDUSTRY ASSOCIATION

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